

United States District Court  
for the  
District of South Carolina  
Spartanburg Division

Robert Moss	)	
and Melissa Moss,	)	
	)	
and	)	
	)	
Ellen Tillett, individually and as	)	
general guardian of her minor child,	)	
	)	
and	)	Civil Action No. 7:09-cv-1586:HMH
	)	
The Freedom From Religion	)	
Foundation, Inc.,	)	
	)	
Plaintiffs	)	
	)	
v.	)	
	)	
Spartanburg County School District	)	
No. 7, a South Carolina body politic	)	
and corporate	)	
	)	
Defendant	)	

CONSENT MOTION TO DISPENSE WITH MEDIATION

Now come the parties and respectfully show:

1. The Court issued its Order To Conduct Mediation, Dkt. No 45, on February 16, 2010. The mediation deadline is October 13, 2010.
2. This is an action arising from Plaintiffs' challenge to Defendant's released time for religious education policy. Plaintiffs seek declaratory relief and nominal damages; no compensatory damages are sought. The parties have engaged in extensive discovery. Both sides intend to move for summary judgment on or before the motions deadline of October 20, 2010.
3. The parties have discussed mediation and the possibility of settlement as the case has progressed. The parties continue to agree that resolving this case at mediation is unlikely due to the nature of the claims and the relief sought.

4. The parties respect the Court's judgment as to whether mediation should be conducted in this case but respectfully suggest that the costs to the parties to conduct the mediation outweigh any likelihood of settlement.

WHEREFORE, the parties jointly move that the Court Order that mediation need not be had in this case.

ALTERNATIVELY, (1) Plaintiffs move, and Defendant does not object, that if mediation is to be had, that the Plaintiff Melissa Moss, a student at Tulane University in New Orleans, and The Freedom From Religion Foundation, an organization with its headquarters in Madison, Wisconsin, be allowed to participate by telephone; and (2) Defendant moves, and Plaintiffs do not object, that if mediation is to be had, the School District's Superintendent be allowed to participate on behalf of the School District with full settlement authority from the Board of Trustees.

Respectfully submitted, September 23, 2010.

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